

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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GARNET F. WEAVER,

Plaintiff,

v.

No. 02-CV-1397  
(FJS/DRH)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**APPEARANCES:**

**OF COUNSEL**

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Assistant U.S. Attorney

**FREDERICK J. SCULLIN, JR., C.D.J.:**

**DECISION AND ORDER**

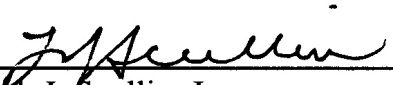
The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge David R. Homer filed December 16, 2005, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no objections to said Report-Recommendation having been filed, it is

hereby

**ORDERED**, that the decision denying disability benefits to the plaintiff is **REVERSED** and plaintiff's claim is **GRANTED**.

**IT IS SO ORDERED.**

DATED: January 17, 2006  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Chief United States District Court Judge